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January 30, 1998

VIA HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RECEIVED

JAN 30 1998

ATTN: The Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Motion To Intervene In MM Docket No. 92-6, Normandy
Broadcasting Corp. et al.

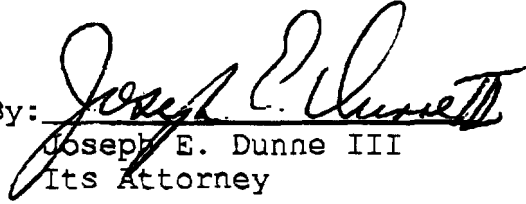
Dear Ms. Salas:

Transmitted herewith on behalf of Entertronics, Inc. is an original and 14 copies of its "Motion To Intervene" in the above-referenced docketed proceeding.

Should any questions arise concerning this matter, kindly contact the undersigned directly.

ENTERTRONICS, INC.

By:


Joseph E. Dunne III
Its Attorney

JED:A68

Enclosure

xc: All Per Attached Certificate of Service
David Covey

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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

In re Applications of)MM DOCKET NO. 92-6
)
NORMANDY BROADCASTING CORP.)BRH-910129UR
)
For Renewal of License of)
Station WYLR(FM), Glens)
Falls, New York)
)
LAWRENCE N. BRANDT)BPH-910430MB
)
)
For Construction Permit for)
New FM Station, 95.9 MHz,)
Glens Falls, New York)
)

TO: The Commission

MOTION TO INTERVENE

Entertronics, Inc. ("Entertronics"), by its undersigned attorney and pursuant to section 1.223 of the Commission's Rules and Regulations, hereby requests that it be permitted to intervene in the above-captioned proceeding for the limited purpose of participating in the pleadings concerning the "Joint Request for Approval of Agreement" ("Joint Request") and associated documents filed today by Normandy Broadcasting Corp. ("Normandy") and Lawrence N. Brandt ("Brandt"). As grounds for its request, Entertronics shows and states as follows.

1. The above-referenced applicants have been involved in a contentious and long-running proceeding for now almost seven years. The parties have been involved in a hearing which has

resulted in an Initial Decision, 8 FCC Rcd 1 (1992), and exceptions to the Initial Decision urging its reversal have been filed by both the Mass Media Bureau and Normandy. The exceptions now pend before the Commission. A Motion to Reopen the Record and Remand filed by Brandt, seeking to enlarge the issues and initiate a new round of hearings now pends awaiting Commission action. The Commission referred the case to a Settlement Judge in 1994, see 9 FCC Rcd 1054 (1994), but in the intervening three and one-half years there had been no discernible movement toward a settlement.

2. Entertronics was not a party, and could not file a petition to intervene within 30 days of the publication of the Hearing Designation Order, or, in fact, any earlier, because Entertronics involvement in with WCQL(FM) and WWSC(AM) is of comparatively recent origin.¹ Entertronics did not have a cognizable interest or stake in the proceeding until November 1, 1997 at the earliest. As shown by the enclosed Verified Statement attached in Exhibit 1, in late October Entertronics began negotiating with Normandy concerning the feasibility of entering into a Local Marketing Agreement with respect to WWSC(AM) and (then) WYLR(FM) (hereinafter referred to as the "Stations"). Following these negotiations Normandy and

¹. The call sign of FM station WYLR was changed to WCQL effective November 21, 1997.

Entertronics, effective November 1, 1997, entered into a "Time Brokerage and Asset Purchase Agreement."² This agreement provided, in pertinent part, that Entertronics was to pay Normandy for airtime on the Stations, and that Normandy was contractually obligated to sell the stations to Entertronics as soon as the WYLR license renewal application was granted.

3. With Entertronics now part of the negotiations, the negotiations between the two applicants began to pick-up, and, finally, to bear fruit. After three and one-half years of adamant hostility, the applicants have, with Entertronics assistance, entered into a "Settlement Agreement," and have filed a Joint Request today.

4. Entertronics concrete interest in, and, indeed, its value in participating in the consideration of the Joint Request in this proceeding is obvious from a perusal of the "Settlement Agreement" attached as Exhibit C to the Joint Request. The parties have requested that Normandy's application be dismissed contingent on the grant of Normandy's and Entertronics soon to be filed applications to assign WWSC(AM) and WCQL(FM) to Entertronics. Since the grant of applications to assign the Stations to Entertronics is a contingency before this proceeding

². The "Time Brokerage and Asset Purchase Agreement" between Normandy and Entertronics was filed today as Exhibit A to the "Joint Request for Approval of Agreement" filed by Normandy and Brandt.

can formally terminate, Entertronics clearly has an interest in the proceeding, and may, in fact, be a necessary participant in the event its input is needed to resolve issues concerning its qualifications that the Settlement Agreement makes vital to the resolution of this controversy.

5. In addition, Entertronics position in the proceeding is an anomalous one--it is, in essence--a "white knight" in this proceeding. Its qualifications have not yet been tested by the Commission. Not only is Entertronics' qualifications necessarily a part of any consideration of this case because of the Settlement Agreement, the qualities that Entertronics may bring to the operation of the Stations is clearly a matter of some import to the Commission because Entertronics, heretofore a stranger to this proceeding, would end-up with the authorization that has been the subject of seven years of litigation. Indeed, the parties to the "Joint Request" have argued that the long experience of Entertronic's president in the market, and the record of community service that Entertronic's has compiled in the operation of WCKM, Lake George, New York (see Exhibit B to the Joint Request), is relevant to the Commission's determination if the settlement entered into by the two litigious parties is in the public interest. Entertronics' counsel is the Escrow Agent under the Escrow Agreement. Entertronics community service and broadcast record have become an issue in this

proceeding, so it is wholly appropriate for Entertronics to be afforded an opportunity to expand upon or defend its record, as the need arises. Indeed, fundamental fairness requires that Entertronics be afforded an opportunity to participate in this proceeding to defend its record, should its record be attacked.

6. Entertronics clearly is now a clear-cut party-in-interest. It is a party which has and has an interest in promoting the settlement that the Commission is asked to approve. Its record is being urged as an element supporting the public interest served in approving the settlement. Indeed, since its qualifications are critical to the approval of the proffered settlement, there may be questions raised in this proceeding that only Entertronics can answer. Clearly administrative convenience and fundamental fairness support adding Entertronics as a party to this proceeding, particularly since its intervention is sought for a limited purpose.

7. All parties to this proceeding, including the Mass Media Bureau, have authorized the undersigned to represent that they will interpose no objection to this motion.

WHEREFORE, the foregoing considered, Entertronics, Inc. requests leave to intervene in the above-captioned proceeding and become a party.

Respectfully Submitted,

ENTERTRONICS, INC.

By: 

Joseph E. Dunne III
Its Attorney

JOSEPH E. DUNNE III, Esq.
Attorney At Law
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**ENTERTRONICS, INC.
MOTION TO INTERVENE**

EXHIBIT 1

VERIFIED STATEMENT OF DAVID COVEY

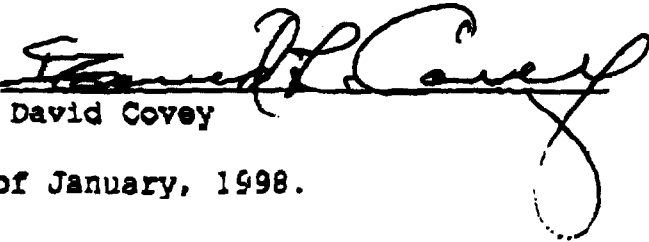
VERIFIED STATEMENT

I, David Covey, make the following statement under penalty of perjury of the laws of the United States and the State of New York.

1. I am the president of Entertronics, Inc.
("Entertronics"). Entertronics is the licensee of FM Broadcast Station WCKM, Lake George, New York.
2. Neither I nor Entertronics had any interest in Chris Lynch or WYLR (now WCQL) or WWSC (the "Stations") until the middle of October, 1997. At that time I began talking with Chris Lynch about the possibility of buying airtime on one or both of the Stations. These negotiations led to the signing of a contract, the "Time Brokerage and Asset Purchase Agreement" ("Time Brokerage Agreement", which was included as Exhibit A to the "Joint Request For Approval of Agreement" filed by Normandy Broadcasting Corp. ("Normandy") and Lawrence N. Brandt ("Brandt") with the Commission today. The Time Brokerage Agreement was effective on November 1, 1997.
3. Entertronics was, by this Agreement, obligated to buy time on the Stations at a specified rate, and Lynch was contractually obligated to sell us the Stations should his license renewal application for WYLR be granted.

The signing of this contract was the first time that either I or Entertronics had more than a nostalgic connection with the Stations.

4. Entertronics assisted in the negotiations between Normandy and Brandt.


David Covey

Executed on this 30th Day of January, 1998.

CERTIFICATE OF SERVICE

I, Shelly Latham, a paraprofessional in the Law Offices of Joseph E. Dunne III, hereby certify that I have this 30th Day of January, 1998, caused the foregoing "MOTION TO INTERVENE" to be sent first class U.S. mail, postage prepaid, to the following.

David Tillotson, Esq.
Law Office of David Tillotson
4606 Charleston Terrace, N.W.
Washington, D.C. 20007-1911
(Counsel for Lawrence N. Brandt)

Christopher P. Lynch
Normandy Broadcasting Corp.
P.O. Box 24
Glens Falls, NY 12801

James Shook, Esq.
Mass Media Bureau
2025 M Street, N.W.
Room 8210
Washington, D.C. 20554


Shelly Latham